IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2070 of 2006 (O&M)
DATE OF DECISION: 21.9.2006

Harjit Singh

...Appellant

versus

Gurmeet Kaur and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.Sandeep Bansal, Advocate
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this FAO by the registered owner of the vehicle against an award dated 18.11.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Jalandhar, in MACT Case No. 32 of 2002, awarding a sum of Rs.2,88,000/- with 6% interest in death case of a 35 years old man, learned counsel submitted that as per the admission of the purchaser of the vehicle, he was the owner at the time of accident. However, in terms of definition of owner under Section 2(30) of the Motor Vehicles Act, 1988 (for short `the Act'), only registered owner is the owner of the vehicle. Besides, there is non compliance of mandatory provisions of Section 50 of the Act. Admittedly, the insurance policy was also not transferred. That apart, learned counsel also submitted that the Insurance Company has admitted to have issued a policy in respect of the vehicle showing that the vehicle was insured on the date of accident. We are not inclined to accept this plea for the reason that the Insurance Company has denied the claim on the ground that the deceased was a gratuitous passenger. Our view on the first point is also fortified by a judgment of Hon'ble the Apex Court reported in 2001 ACJ 2059 (Dr.T.V.Jose versus Chacko P.M. and others). Besides, there is a delay of 20 days in filing of the appeal. We do not find any sufficient cause to condone the delay.

Accordingly, the FAO is dismissed on merits as well as on the ground of delay.

However, looking at the admission of the purchaser of the vehicle so also the Insurance Company that on the date of accident, the vehicle was insured, the appellant would be at liberty to move the Civil Court for appropriate relief.

(UMA NATH SINGH)
JUDGE

September 21, 2006
pk

(MAHESH GROVER
JUDGE